

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

ROLANDO CASTELLANOS,

Petitioner

v.

SCOTT FRAUENHEIM,

Respondent.

Case No. [17-cv-01307-JD](#)

**ORDER GRANTING MOTION TO  
FILE UNDER SEAL**

Re: Dkt. Nos. 33, 38

Petitioner, a California prisoner, filed a pro se petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Respondent has filed an answer and seeks to file several documents from state court under seal.

The Court may order a document filed under seal “upon a request that establishes that the document, or portions thereof are privileged, protectable as a trade secret or otherwise entitled to protection under the law (hereinafter referred to as ‘sealable’). The request must be narrowly tailored to seek sealing only of sealable material.” N. D. Cal. Local Rule 79-5. There is a strong presumption favoring the public’s right of access to court records which should be overridden only for a compelling reason. *Hagestad v. Tragesser*, 49 F.3d 1430, 1433-34 (9th Cir. 1995). “Counseling against such access would be the likelihood of an improper use, ‘including publication of scandalous, libelous, pornographic, or trade secret materials; infringement of fair trial rights of the defendants or third persons; and residual privacy rights.’” *Valley Broadcasting Co. v. United States District Court*, 798 F.2d 1289, 1294 (9th Cir. 1986) (citation omitted).


Respondent seeks to file several exhibits from petitioner’s motion in state court regarding juror misconduct. The exhibits contain personal identifying information of certain jurors and was filed under seal in state court. In this instance there are compelling reasons to justify sealing the exhibits to protect the identities of the jurors and respect their privacy rights. Accordingly, the

1 motion to file the documents under seal (Docket No. 33) is **GRANTED**.

2 Petitioner has already received several extensions to file a traverse. His most recent  
3 request for an extension (Docket No. 38) is **GRANTED**. Petitioner may file a traverse by  
4 **December 2, 2019**. No further extensions will be provided.

5 **IT IS SO ORDERED.**

6 Dated: November 18, 2019

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10 JAMES DONATO  
11 United States District Judge  
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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

ROLANDO CASTELLANOS,

Plaintiff,

v.

SCOTT FRAUENHEIM,

Defendant.

Case No. [17-cv-01307-JD](#)

**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on November 18, 2019, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Rolando Castellanos ID: AT2857  
Folsom State Prison  
P.O. Box 950  
Folsom, CA 95763

Dated: November 18, 2019

Susan Y. Soong  
Clerk, United States District Court

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By: \_\_\_\_\_  
LISA R. CLARK, Deputy Clerk to the  
Honorable JAMES DONATO